

Introduced by Senator Figueroa

December 6, 2004

An act to amend Section 1798.1 of the Civil Code, relating to the Information Practices Act.

LEGISLATIVE COUNSEL'S DIGEST

SB 7, as introduced, Figueroa. Information Practices Act: Internet privacy.

The Information Practices Act of 1977 restricts disclosure of personal information, as specified, that is contained in public records and that would otherwise be public.

This bill would declare the intent of the Legislature that a provider of an electronic communications service may not for its purposes either develop personally identifiable profiles of persons from the contents of those electronic communications or extract electronic mail addresses or other personally identifiable information from electronic communications, except as provided.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.1 of the Civil Code is amended to
2 read:

3 1798.1. (a) The Legislature declares that the right to privacy
4 is a personal and fundamental right protected by Section 1 of
5 Article I of the Constitution of California and by the United
6 States Constitution and that all individuals have a right of privacy
7 in information pertaining to them. ~~The~~

8 (b) The Legislature further makes the following findings:

1 ~~(a)–~~

2 (1) The right to privacy is being threatened by the
3 indiscriminate collection, maintenance, and dissemination of
4 personal information and the lack of effective laws and legal
5 remedies.

6 ~~(b)–~~

7 (2) The increasing use of computers and other sophisticated
8 information technology has greatly magnified the potential risk
9 to individual privacy that can occur from the maintenance of
10 personal information.

11 ~~(e)–~~

12 (3) In order to protect the privacy of individuals, it is
13 necessary that the maintenance and dissemination of personal
14 information be subject to strict limits.

15 (c) *It is further the intent of the Legislature that no provider of*
16 *an electronic communications service may do either of the*
17 *following:*

18 (1) *Develop for a provider's purposes personally identifiable*
19 *profiles of persons from the contents of electronic*
20 *communications created by those persons.*

21 (2) *Extract electronic mail addresses or other personally*
22 *identifiable information for a provider's purposes from*
23 *electronic communications, other than from those electronic*
24 *communications addressed to the service.*